



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

A F 137
#16 2/3/04

In re Application of Steve Somers)

Serial No.10/007,189)

Application Filed 11-8-01)

For Socket Wench)

Notice of Appeal Filed 1-15-04

Group Art Unit 3723

Examiner James Smith

RECEIVED

JAN 27 2004

TECHNOLOGY CENTER R3700

NOTICE OF APPEAL

Applicant hereby appeals from the Examiner's final rejection dated 10-16-03. Enclosed is the necessary notice of appeal fee of \$165. Applicant does not wish an oral hearing.

However, it would be appreciated if the Examiner's supervisor would review the Examiner's believed erroneous final rejection because, for example, it is not consistent with the decisions in Ex Parte Bonfile, 64 USPQ2d 1456 and Ex Parte Gramenan, 68 USPQ2d 1219. In other words, none of the references applied in combination shows or teaches how the prior art structures would or could be combined to meet all of the limitations of each of the claims. Putting these positions in still other words, the structures and objectives of the various references are so different that a person of ordinary skill in the art involved not having impermissible prior knowledge of the claimed invention would think of combining them in the manner the Examiner did to reject the claims.

Enclosed is a check in the amount of \$165 to cover the notice of appeal fee. If the Examiner does not reverse his decision before March 1, applicant's attorney will prepare and file a brief explaining applicant's position and pay the additional \$165 appeal fee then required.

Respectively submitted,

Russell E. Hattis

Russell E. Hattis, Applicant's Attorney

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Applicant's Attorney hereby attests that he placed the attached Notice of Appeal in an envelope addressed to the Commissioner of Patents, P. O Box 1450, Alexandria Va., 22313-1450 and mailed the same to this Address by first class mail on 2-18-2004.


Russell E Hattis